

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

4:17-CR-3123

vs.

KIANA MICHELLE STABLER,

ORDER

Defendant.

The defendant has moved, at 2:17 p.m. this afternoon, to continue the sentencing hearing set for 9:30 a.m. tomorrow. [Filing 160](#). The Court will deny that motion.

The stated basis for the motion is that the defendant has, at some point, undergone mental health counseling, and that the counseling records and an opinion from the counselor might provide some grounds for a yet-unfiled motion for departure or variance from the Sentencing Guidelines range. Filing 160 at 1. It is not clear from the motion when the defendant was counseled, although the presentence report indicates that it occurred in 2017.¹ Nor is it clear why this possibility is being raised now, as opposed to earlier during the nearly 3 months since the sentencing schedule was entered. See [filing 109](#).

Accordingly, the Court will deny the motion to continue. *See, generally, United States v. Keiser*, 578 F.3d 897, 902 (8th Cir. 2009). The defendant may

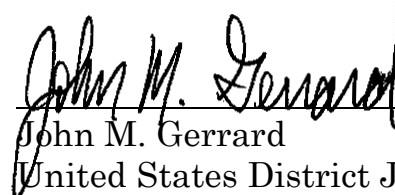
¹ The Court notes that the counseling records were not available to the probation office because "the defendant did not return a proper authorization to release information." Revised Presentence Investigation Report at 18 ¶ 114. But the presentence report does contain her self-reported diagnoses, *see id.* at 18 ¶ 113, as well as information about her troubled background, *see id.* at 17-19, ¶¶ 104-123, and that has been fully considered by the Court.

provide the Court, at tomorrow's sentencing, with whatever mental health treatment records may be available for her, and the Court will admit them into evidence and take them into consideration.

IT IS ORDERED that the defendant's motion to continue ([filing 160](#)) is denied.

Dated this 5th day of July, 2018.

BY THE COURT:



John M. Gerrard
United States District Judge